/303 cont./

b. Bûbker buried at Ad'erd'ur. Thus, very lively local individuality, at the same time as participation in a movement of minds that is attested to us for the Sous in the sixteenth century.

The zaouia, where half the present inhabitants call themselves /304/ descendants of Sidi Lah'sen, is set up under the walnut trees, in the bottom of a hollow that the denuded mass of the Afuzar oppresses. Ground of a terrible dryness. The ravine that unites it with the valley is full of calcined ruins of former a. Gasa villages. To the South, a steep path connects it to Ikis by way of a sparse forest of small oaks. On the side of the Afuzar one sees the abrupt col of the Meggayed'. On the other side are the Gedmiwa, or at least their high cantons, where the remainder of the conquered took refuge. Far within the other tribe, the zaouia collects its chchard'. It thus forms the junction between two systems, separated today, but which the old history, revealed by an always young hagiology, united. A number of students from beyond the crest come here. And the zaouia owns property in a. Gasa. So many signs of a former straddling of both sides of the Afuzar. The saints, whose service skips over the precarious human limits, often set the researcher on the track of ancient solidarities. We can lay out, with what tradition knows of their itineraries, of their perimeters of attraction or of radiation, a veritable cartographic document.

The intellectuality of the origins of the house of Assttif has been perpetuated up to our day. It has even had a fqîha, Lalla Fad'ma, an expert in Mudawwana. Above all, it has given birth, and even of our day, to a saint: Sidi Muh'ammed u Abdallah, of whom there will be talk later. Highly integrated with the aggressive history of the Idma, it has not ceased to lend them its support as patron, guarantor, and arbiter. It presided over the elections of chiefs at Inraren Z'dinin. Its border position allowed it to extend its political action far to the E. In the recent period, at the time of the development of the power of the great caids, it thus played a certain role in favor of the hegemony of the Mtugga.

It has always avoided, as we have noted, being integrated with the naturist feasts of other Seksawa saints. Its orthodox

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IV. Communal Law

121 Under this austere title, we are going to study an aspect of the "republics of the Atlas" that has already given rise to engaging descriptions (1).

1. R. Montagne, "L'Aghbar et les hautes Vallées du Haut-Atlas /The Aghbar and the high Valleys of the High Atlas/," Hesp., 1927, pp. 15 sq, and especially Les Berbères et le Makhzen dans le Sud du Maroc /The Berbers and the Makhzan in the South of Morocco/, 1930, pp. 217 sq. One must turn to the same researcher for the first investigations of public archives in this part of Morocco, "Le régime juridique des tribus du S. marocain /The juridical regime of the tribes of the Moroccan South/," Hesp., 1924, pp. 313 sq., and especially R. Montagne and M. Ben Daoud, "Documents pour servir à l'étude du droit coutumier du S. marocain /Documents for use in the study of the customary law of the Moroccan South/," Hesp.": 1927, pp. 401 sq., with regard to which our debt is great.

121 But although certain of these descriptions go far in depth, the
127 analysis will not engage in useless repetition with them. It will be concerned moreover with the ancient state as it stands out from the local documents. The latter give an image of the public law that is disinterested because exclusive of proselytism. Here the act is only an official report. One can make use of it without distrust. Not that it does not reflect any assimilatory view. But it is without an underlying design of rallying to the orthodox Salente. Its writer is aware of the cantonal autonomy. He is the agent of it. His conceit of the scholar gives way before the preoccupations of loyalism and probably a municipal warmth, suitable for rendering the verity of ambiance. Hence the documentary value of these
• [666] penal tariffications, enacted after each election of chief, and which fortunately abound in the Seksawa archives, notably in those of the very high valley.

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*631 174 171 struggles and their dispersion, a particularly strong feeling of their ethnic unity (1).

1. In truth, it might be that these confederations, too, are composed of elements of diverse provenance. But an artificial bond of brotherhood, created by ceremonies of adoption or by the existence of obligations of mutual assistance, doubtless can play, among the seminomads, the same role as the feeling of community of origin.

*631 [726] Such are the Aït ʿAtta, the Aït Morghad, the Aït Haddido, the Aït Sokhman, the Izayan, who go to war in large masses and seem to push forward by successive waves from the south to the north, from the desert toward the plains of the Gharb. These [178] [666] confederations most often remain faithful to the custom of the "chikh /sheik/ fouqani," of the chief elected by the whole ensemble of the tribes of the same race. Such a unit contrasts to * [634] [616] the utmost with the state of division of the confederations of sedentary Masmouda, which we find parceled into fractions opposed to one another, even in the cadre of the tribes, by the play of territorial alliances to which is given the name of leffs (2).

[113] 2. On the solidarity of the large Arab tribes, such as the Dwi Menia, compare A. Bernard, Les Confins algéro-marocains /The Algero-Moroccan Borders/, Paris, 1911, p. 96.

*631 174 The state of cellular division of the Masmouda groups could thus be regarded as the end of a long evolution, the consequence of taking possession of the soil, of the appropriation of arable lands by groups formerly errant and primitively attached to the pastoral life. Such a hypothesis, whose weakness is obvious, appears to us, however, to merit being examined with interest; the

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*634 789 184 the Gedmiwa, these privileged inflas do not have /224/ magical powers; they appear to us to be no more than the aides of the moqaddem, "ʿawan," transmit his orders, give him advice, and assist him in all circumstances. As proof of their devotion, they deposit guns or daggers in the leader's house as a pledge.

*634 554 IV. The moqaddem. -- Each year the council of the canton meets in order to receive the administration accounts of its president, the "moqaddem" (1),

1. From the Arabic "qeddama," to place in front of oneself; literally, the one who is put at the head.

and to proceed to the nomination of his successor. According to ancient tradition in the Haut-Atlas /High Atlas/, the moqaddem must be an effaced man who at every moment considers himself the spokesman of the council. At his name indicates, he is only the first of the "inflas," the one who precedes, who is placed in front. For all important affairs he consults the heads of the "ikhs" and the men of good counsel, and when he has to act unexpectedly, he hastens to have his decision approved. Most often, he is •[666] [613] chosen by turn in each village, sometimes his name is drawn by lot from among the heads of the "ikhs." In practice, however, *634 692 554 the role of the moqaddem has been greatly expanded; it is he who is most often chosen as arbitrator in disputes. If the affairs presented to him are too complex, he names another arbitrator, a stranger to the canton, or a cadi of the vicinity (2).

2. The cadi's decisions are often solicited by notables who are afraid of getting an unfavorable sentence in their cantons, but who are, on the other hand, strong enough to have the decision of an outside personage respected or executed in their village. Sometimes, too, the judgment of the cadi is considered to be less

554 /224 cont./
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[692] /footnote 2 continued/ sullied by partiality than that of the inflas, whose rapacity is feared.

[585] [586] Marriages and divorces are concluded in his presence. He con-
[428] ducts the proceedings for the apportionment of inheritances and then appropriates a small part of the estates. He punishes ac-
[681] cording to the ʿorf -- the custom -- crimes and offenses, and imposes the fines that are proper for each mistake. The money thus collected is divided into three parts: the first goes to the moqaddem; the second is for the taqbilt, which the inflas consider that they represent completely in this circumstance; the last part constitutes a small reserve fund for the expenses of hospitality.

The moqaddem's authority varies according to his wealth
[292] and personal situation. If he is already, because of the power
[613] of his "ikhs," an important notable, he is seen, clothed in garb
[571] /225/ of white wool, which manifests his high rank, to delib-
[754] erate, to fix the round of hospitality, to accept the "ʿar"
[574] /protector relationship based on a conditional curse/ of foreigners
[431] who ask for protection, and to have given to one who offers him
[628] a sacrifice some grain and walnuts by contribution of the whole
[574] canton. He concludes alliances with neighboring cantons and presides at the "tinoubga," festivals given on the occasion of visits by foreign warriors. If the moqaddem, on the contrary, is a man without influence, he effaces himself before the "inflas" or the "ʿawan," who compete to have all the disputes settled to the advantage of their family. When the year has passed, the
• [666] moqaddem brings the inflas together and calls for his replacement. As an exception his post is renewed for a year, "if his magistrature has been happy," but never longer.

As a result of the general tendency toward the development
[198] of personal power, people in the Haut-Atlas /High Atlas/ in our day somewhat scorn the effaced moqaddems who abide by the ancient tradition, according to which they would be only the agents of their brothers. One who does not know how to speak

4: Hoffman E-4 (no date) 1967 MW11 Shluh MW11 (ca. 1900)

the southern Shluh groups) or of the tribe. These higher officials customarily carried the title of *amghar* (a Berber word derived from the root *mqour*, signifying "to be great or important") and of *sheikh* – these titles also appearing in such combination as *amghar n'tuga* ("chief of the grass"), *sheikh er rbi'a* ("chief of the spring, grass[?]"), and *sheikh el 'am* ("chief of the year"). In most cases these chiefs held office for only one year, though in some cases they could be reelected for a second term. Among the Ait Outferkal (605), however, the term of office corresponded in years to the number of divisions in the district responsible for appointing the tribal chief. More recently each district of this tribe has had a separate chief appointed for life – this is also the situation in many of the sub-Saharan regions explored by Foucauld. Among most Berber groups it was customary for the district or tribal president to remain in office for longer than a year if a war developed during his term of office, and if he proved himself to be a capable leader. Only in time of war did he have any real power (Loubignac, 1942, pp. 281-282).

To be eligible for the post of tribal chieftain an individual generally had to be a native of the tribe, although long residence therein (40 years or so) sometimes could substitute for this requirement. The applicant also had to have experience in high public office; this and the previous requirements limited the circle of candidates to include only the tribal notables. The actual selection of the tribal *amghar* was almost always the prerogative of the *jemaa* – the only exceptions being among the Ait Mehammed (606) in the area of Azilal, and at Boudenig (in the area of the Ait Izdeg du Guir [438]), where the tribes have delegated the responsibility of choosing their leaders to holy men. Here and elsewhere, the selection is customarily made in the spring. Among the Ait Ichkern (416), for example, the incumbent *amghar* at this time notifies a conference of notables known as *asifed* ("return of powers") that his term is about to expire, and calls the tribe together for the ceremony known as the *taalamt*, for which he fixes the date. At the appropriate time delegations from all the divisions of the tribe assemble at the designated site with their tents, horses, and servants, accompanied *en masse* by the tribes-people. The preliminary festivities,

4: Hoffman E-4 (no date) 1967 MW11 Shluh MW11 (ca. 1900)

635 666 527 lasting for four days, are marked by various forms of entertainment, with banquets playing a leading role. Only after the conclusion of the festivities does the tribal council turn to the task of selecting the new tribal leader (Loubignac, 1942, p. 282).

635 666 [643] To ensure strict equality between the various divisions of the tribe each is called upon in turn to designate a member as a candidate for tribal chief – while if the office is that of supreme chief over the many tribes of a single confederation (this chief being appointed sometimes in time of war) those divisions having the privilege of making nominations are selected by lot. Once elected the appointee is theoretically prevented from rejecting the profered honor by a sense of moral obligation – a sense reinforced in some tribes by the threat of sanctions. Nevertheless, there is in practice always some resistance to the appointment, for the office carries with it great responsibility and heavy expenses (Loubignac, 1942, p. 283).

635 631 After his succession to office the new *amghar* carries out two measures which are indispensable for the effective exercise of his authority. First, he appoints from among the notables of each division one who is to act as the "respondant" or "guarantor" for that division – this respondant being responsible for the conduct of the members of the division, for the execution of orders given by the [621] *amghar*, and for the application of sanctions if necessary. The respondant of each division or fraction in turn designates repondants [613] in every commune over which he has jurisdiction, and these commune respondants in turn designate respondants for each village or [182] minor lineage. This system of command and of delegation of authority assures the execution of orders given by the *amghar*, but also acts to promote the autonomy of the smaller social units, for the minor respondants and council members take care of all local problems in their own way without interference from the tribal *amghar*. The second step carried through by the *amghar* is to revise and enlarge the schedule of fines so as to encourage obedience to his promulgations (Johns Hopkins University, 1956, p. 227; Loubignac, 1942, p. 283).

635 554 In the traditional democratic Berber republic the duties of the *amghar* are often poorly defined, for they often duplicate those still